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NOTES OF CASES.

Negligence of Bank Depositor.—The mistake of a bank depositor is the basis of an action in the New York Supreme Court which is said by the Appellate Division to have no controlling precedents so far as discovered. The title of the case, reported in 119 New York Supplement, 763, is *Schwartz v. State Bank*. Plaintiff, who was a customer of defendant bank, took several checks to it to be deposited, but by mistake turned them in with a deposit slip headed with the name of another customer of the bank. The receiving teller entered the aggregate amount of the checks on plaintiff's bank book, but, in the course of its ordinary method of transacting business, the bank credited the deposit to the customer whose name appeared on the deposit slip. The mistake was discovered when a statement of Schwartz's account was made out, and he brought action against the bank to recover the amount of the deposit. The court held, however, that a customer's bank book did not constitute an account between him and the bank, and that the mere fact of his paying funds into the bank did not necessarily create the relation of debtor and creditor; that the turning in of the deposit on the slip of another customer amounted to a direction to enter it to his credit; that the loss resulted from plaintiff's own negligence, and consequently gave him no right of recovery.

Restraining Vacation of Divorce Decree.—Grace B. Wahl, defendant in *Guggenheim v. Wahl*, 122 New York Supplement, 941, was married in November, 1900, to William Guggenheim, from whom she obtained a divorce in Illinois in the following March, he personally appearing in the action and paying her \$150,000 in lieu of alimony. The next December she married Wahl. This marriage was subsequently declared illegal and void by the courts of France. After having supposedly settled his matrimonial troubles with defendant, Guggenheim married the present plaintiff. His former spouse applied to the circuit court of Cook county, Ill., where her divorce had been obtained, to have such judgment vacated. This application was denied, and she then instituted an action in the nature of a bill of review for the same purpose. The present proceeding was then brought in New York by the second Mrs. Guggenheim to restrain prosecution by the first wife of the proceedings to have the divorce decree annulled. The New York Supreme Court denies injunction on the ground that plaintiff was not a party to the proceedings in the Illinois court, and if entitled to any relief therein should apply for leave to intervene.

Violation of Game Law.—An Iowa statute provides that no person shall ship any game birds out of the state. Defendant,